

Division of Environmental Health  
School of Public Health and Family Medicine  
Isikolo Sempilo Yoluntu kunye Namayeza Osapho  
Departement Openbare Gesondheid en Huisartskunde



# WELCOME TO THE SAICM/UCT LEAD IN PAINT COMMUNITY OF PRACTICE

Introduce yourself (name, job title, organization and country) in the **chat section**.

**Only** the presenter and facilitator will speak. Any comments or questions from attendees should be typed in the **chat section**.

**Please kindly keep you microphone muted and cameras off during the discussion**

## **NOTE:**

If you are having **technical issues**, please join the Lead in Paint WhatsApp group, using this link, and we will assist you: <https://chat.whatsapp.com/HOMtpqf5YG6EX53gJ6jsTR>

## Discussion 2:

- Topic: Setting low limits for lead in paint
- Date: 18th August 2020
- Time: 16:00pm – 17:30pm (GMT + 2.00)
- Presenters: Desiree Narvaez, UNEP; Steve Wolfson, US EPA; Amanda Rawls, ABA-ROLI
- Facilitator: Andrea Rother, University of Cape Town
- Chair: Ms Maxine Brassell, MPH student, University of Cape Town

# Lead in Paint Community of Practice

## Discussion 2:

### Setting Low Limits for Lead in Paint

Global Alliance to  
Eliminate Lead Paint

## PRESENTERS



**Desiree Narvaez**  
Programme Officer, United  
Nations Environmental  
Programme (UNEP), Chemicals  
and Health Branch



**Steve Wolfson**  
Office of General Council,  
US EPA



**Amanda Rawls**  
American Bar Association Rule  
of Law Initiative (ABA-ROLI)

# Introduction: Lead is toxic

Presented by: Desiree Narvaez, UNEP



Lead exposure causes **wide-ranging health effects and environmental impacts**

- Reduced IQ, shortened attention span, increased anti-social behavior, underperformance in school, anemia, hypertension, kidney damage
- Harmful to marine and terrestrial ecosystems and organisms



**Socioeconomic impacts** of lead exposure are high

- Reductions in IQ adversely affect the individual's economic productivity.



**Exposure** to lead from paint occurs in multiple ways (ingestion, inhalation)

- Aging paint results in crumble and flake, releasing lead into household dust.
- Workers can be exposed to lead during paint manufacture, application and removal



**Laws are the most effective way to eliminate lead in paint (Lead Paint Alliance)**

See: WHO 2020. [Global elimination of lead paint, why and how countries should take action. Technical Brief. Geneva](#)

# Introduction (cont.)

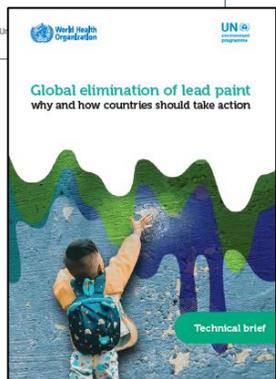
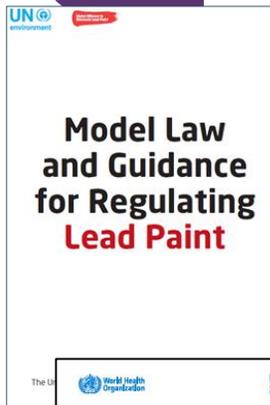
Presented by: Desiree Narvaez, UNEP

- Legally binding limits on the lead content in paint are **necessary to prohibit the addition of lead to paint and to move toward complete elimination of lead paint.** Why and how to establish low lead paint limits is an important topic for discussion within the lead paint community.

- The **UNEP Model Law and Guidance for Regulating Lead Paint provides a 90ppm limit**, which is the lowest legal limit that has been established to date.

A **90-ppm limit** for **total lead content** in paint is the **most protective** and **technically feasible** limit

- Decorative paints without added lead compounds can have a lead content below 90 ppm
- “Zero” lead content is not possible because some ingredients, including raw materials from natural sources such as clays and natural pigments, may be contaminated with a small amount of lead



# Introduction (cont.)

Presented by: Desiree Narvaez, UNEP

The discussion will address the following questions:

- 1) What **actions** has your country taken to transition to a specific mandatory legal limit on lead in paint and what is the limit?
- 2) Though the Lead Paint Alliance recommends a 90ppm limit for all paints, in some countries, stakeholders may have **concerns about the limit for specific types of paint**. Have any of these concerns been raised in your country, and how are you working to address them?
- 3) Currently in your country, what **obligations** do manufacturers or importers have to **document the compliance** of their products with existing regulations? How **effective** are these systems?

For each question, we will present background information to spur discussion.

# Background for Question 1

Presented by: Steve Wolfson, USEPA

- This question deals with the benefits of setting a specific mandatory limit on lead in paint.
- Setting a **specific** limit on lead content:
  - Helps the regulated community understand what is expected of them
  - Makes enforcement easier
- This includes specifying:
  - A quantitative concentration limit
  - A recognized method to measure lead in paint
  - The timeframe in which the limit becomes mandatory

# Background for Question 1 (Cont.)

Presented by: Steve Wolfson, USEPA

- Some countries begin by developing a voluntary or industry-based limit on lead in paint.
- A voluntary standard may be a useful starting point, resolving technical issues and harnessing industry leadership.
- A voluntary standard may not be effective in the long run.
  - Consumers may buy paints that are improperly labeled.
  - Imports might evade the standard without screening by customs officials.
  - Paint manufacturers not held to a common standard.
  - Without a testing requirement, some paint manufacturers may not even know if they have lead in their ingredients.

# Background for Question 1 (Cont.)

Presented by: Steve Wolfson, USEPA

- To develop an effective lead paint law, most countries will need to:
  - Raise public awareness
  - Convene relevant agencies
  - Draft law
    - Can be statute, decree, regulation, or standard
    - Needs to be enforceable to be effective
    - The Model Law can be a useful reference
    - Drafting assistance is available from Lead Paint Alliance
  - Gather stakeholder input on law
  - Plan for Implementation
  - Enact Law

# Question 1

What actions has your country taken to transition to a specific mandatory legal limit on lead in paint and what is the limit?

This question will be discussed for 30 minutes.

Please use chat only, mute your microphone, and turn your video off.

Thank you!

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# Background for Question 2

Presented by: Steve Wolfson, USEPA

This question deals with the issue of how to address lead in different types of paint

- Setting a low mandatory limit for lead in paint provides the strongest protection for public health.
- The Model Law includes sample legal text for a 90 ppm limit for lead in **all** paints, with an option to provide a longer phase-in period for industrial paints.
- Human exposure to lead can occur at multiple stages in the lifecycle of the paint, including production, application, deterioration over time, and removal (such as for renovation).
- Some stakeholders have suggested that industrial paints should not all be treated the same as household paint.

# Background for Question 2 (Cont.)

Presented by: Steve Wolfson, USEPA

- Industrial use paints -- when applied in areas not used by children -- may generally present lower risks than consumer uses of paint.
- Industrial use paints can include automotive, marine, road markings, or other uses. There is no internationally agreed definition of industrial paints.
- Industrial use paints, like consumer paints, degrade over time and lead-contaminated dust from paint can be inhaled or swallowed.
- Industrial paints containing lead have shown up on store shelves, giving consumers access to these paints.
- Distinctions in different uses of paint often not enforceable in practice.

# Background for Question 2 (Cont.)

Presented by: Steve Wolfson, USEPA

- Paint industry contacts indicate that for some industrial use paints, it might take longer to reformulate in order to meet specific property specifications.
- Countries have considered various approaches:
  - 90 ppm for all paints, with same compliance dates for different paints
  - 90 ppm for all paints with *longer phase-in* for industrial paints
  - 90 ppm for consumer use paints and *different limit* for industrial paints
  - 90 ppm for consumer use paints and *no limit* for industrial paints

## Question 2

- The Lead Paint Alliance recommends a 90ppm limit for all paints
- In some countries, stakeholders may have raised concerns about the limit for specific types of paint.
- Have any of these concerns been raised in your country?
- If so, how are you working to address them?

This question will be discussed for 30 minutes.

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Thank you!

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# Background for Question 3

Presented by: Amanda Rawls, ABA-ROLI

- To be effective, a law establishing a legal limit on lead content in paint must have strong provisions which allow for **enforcing compliance** with the law.
- These provisions may include:
  - **requirements on manufacturers, importers, and sellers** to document that their product is compliant
  - **enumerated responsibilities of government** to inspect facilities, review documentation, and spot test paint samples to verify compliance
  - **penalties** for “prohibited acts.”
- A number of different agencies in a country may need to coordinate to effectively implement the law, and so may provide useful input during drafting.

*Examples of compliance and enforcement provisions can be found in the Global Alliance to Eliminate Lead Paint’s **Model Law and Guidance for Regulating Lead Paint**, Appendix 1, Sections D through J.*

# Background for Question 3 (Cont.)

Presented by: Amanda Rawls, ABA-ROLI

- Countries have taken or considered different approaches to ensure compliance with lead paint limits, each with its own challenges and benefits.
- Considerations when assessing these approaches:
  - Who has the most knowledge about content of paint?
  - Who will pay to test paint samples?
  - How best to prevent non-compliant paint from reaching the market?
  - How does Seller confirm content of paint received from Importer?
  - How do small and medium enterprises compete with large manufacturers or importers?

# Background for Question 3 (Cont.)

Presented by: Amanda Rawls, ABA-ROLI

## Model Law approach to Compliance and Enforcement

- Declaration of Conformity\* prepared by Manufacturer or Importer

Benefits	Challenges
Industry pays testing cost	SMEs may not easily access labs for testing
Inspection of documented test results is easier than testing samples	Requires training inspectors and customs officials to verify paperwork
Government spot tests to verify documentation	Not every paint verified

## Additional or Alternative approaches:

- Mandatory licensing or registration (of sellers or paint products)

Government checks all paints before sale	Government time and resources to test and approve each paint
Reduces need for inspections at premises	Coordination with Customs to prevent non-compliant imports

- Labeling requirements on lead content

Provides information to consumers	Insufficient to affect behavior
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\* Sample text and Declaration of Conformity form available from Lead Paint Alliance

## Question 3

- What compliance or enforcement provisions do you think assist with making a 90 ppm limit effective?
- Currently in your country, what obligations do manufacturers or importers have to document the compliance of their products with existing regulations? How effective are these systems?

This question will be discussed for 30 minutes.

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Thank you!

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**THANK YOU**  
for attending the first  
**Lead in Paint**  
**CoP**  
**Discussion**

**Please fill out the following survey to give feedback on today's discussion:**

<https://forms.office.com/Pages/ResponsePage.aspx?id=NUNFkk5Wz0ywsCREW4wD92pVK-1gQzNHlYW4qnca1WNUQzBYQVdDSFFBRVU3OFhIUExTM1pVU000NyQIQCN0PWcu>

**SAVE THE DATE:**  
**DISCUSSION 3**  
**23<sup>rd</sup> September 2020**  
**14:00pm - 15:30pm (GMT +2)**



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